

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

OPENLANDS, MIDEWIN HERITAGE)
ASSOCIATION, and SIERRA CLUB,)
Plaintiffs,)
v.)
UNITED STATES DEPARTMENT OF)
TRANSPORTATION, ANTHONY FOXX,)
Secretary, United States Department of) Case No. 13 C 4950
Transportation, FEDERAL HIGHWAY)
ADMINISTRATION, VICTOR M.) Judge Guzmán
MENDEZ, Administrator, Federal Highway)
Administration, and CATHERINE BATEY,)
Division Administrator, Illinois Division,)
Federal Highway Administration,)
Defendants.)

PROPOSED JOINT SCHEDULING ORDER

The parties have conferred and jointly propose the following schedule for resolving the merits of this case¹:

1. Defendants shall lodge the administrative record with the Court and serve it upon Plaintiffs by December 6, 2013. Defendant may produce the administrative record to the Plaintiffs in electronic format on compact disk.
2. Any motions to amend pleadings shall be filed by January 6, 2014.

¹ The parties recognize that this schedule may need to be adjusted if any state agency intervenes in this case to provide for separate briefings by the states.

3. Any motion by Plaintiffs to supplement the administrative record shall be filed by January 6, 2014. Before filing a motion to supplement, Plaintiffs shall first confer with Defendants in an effort to resolve the issue without involving the Court.

4. The parties shall adhere to the following briefing schedule:

BRIEF	DEADLINE
Plaintiffs' Motion for Summary Judgment	within 45 days of either service of Administrative Record or, if a motion to supplement is filed, the Court's order resolving that motion
Defendants' Brief in Opposition to Plaintiffs' Motion for Summary Judgment and in Support of Defendants' Cross-Motion for Summary Judgment	45 days after filing of Plaintiffs' Motion for Summary Judgment
Plaintiffs' Reply and Opposition to Defendants' Cross-Motion for Summary Judgment	30 days after filing of Defendants' Opposition and Cross-Motion
Defendants' Reply to Plaintiffs' Opposition to Cross-Motion for Summary Judgment	30 days after filing of Plaintiffs' Combined Reply and Opposition

5. Given the complex nature of this case, the page limitations provided by the local rules shall be modified as follows for the parties' summary judgment briefs: summary judgment briefs (1) Plaintiffs' opening brief shall be no longer than 50 pages; (2) Defendants may file a consolidated brief in opposition to Plaintiffs' motion for summary judgment and in support of their cross-motion for summary judgment, which shall be no longer than 50 pages; (3) Plaintiffs' reply brief in support of their motion and in opposition to Defendants' cross-motion shall be no longer than 65 pages; and (4) the Defendants' reply brief in support of their cross-motion shall be no longer than 40 pages. The Parties will endeavor to coordinate as to the Statement of Facts.

WHEREFORE, the parties jointly request that the Court adopt the proposed schedule as outlined above.²

Respectfully submitted,

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² Plaintiffs' counsel has granted the United States permission to file this proposed schedule on behalf of both parties.